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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,365	02/08/2002	Kurt Zachhuber	GRAT 18.795	2978
26304	7590	03/19/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN			SPISICH, MARK	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	

1744

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/889,365

Applicant(s)

ZACHHUBER, KURT

Examiner

Mark Spisich

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 6-8 and 10-13 is/are rejected.
7) ☒ Claim(s) 2-5 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings were received on 28 January 2004. These drawings are approved.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gathright (USP 512,544) in view of FR 2,297,286. The patent to Gathright discloses a street (which is a "floor") sweeper/cleaning machine operable along a working direction and comprising an undercarriage (the bottom portion of car 10), a positionally-fixed floor cleaning unit (21), a positionally-adjustable floor cleaning unit (13) which can pivot about a vertical axis (18) so as to shorten its lateral extension to accommodate obstacles (page 1, lines 76-86) and further wherein the positionally adjustable cleaning unit is attached to the undercarriage in a manner that allows it to vary its inclination relative to a horizontal plane (by pivoting about horizontal axis 16 (page 1, lines 53-69)). The patent to Gathright discloses the invention substantially as claimed with the exception of the adjustable cleaning unit (13) being pivotable in two direction from its maximum working width. '286 discloses just such a capability (see figs 1-2) for a brush (6) similar in function to the brush (13) of Gathright. It would have been obvious to one of ordinary skill to have modified the device of Gathright as taught by

'286 to allow extension and retraction of the sweeper (13) in two directions from that shown in fig 1 for the same general reasons proposed by '286. The sweeping brush (13) of Gathright is generally secured to a front rim region of the undercarriage (claim 6) and it further is capable of pivoting around a horizontal axis (16) (claim 8). As claim 7 does not recite any specific location of the spring device, the spring (20) of Gathright reads thereon insofar as this element is defined in claim 7.

2. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Kahlbacher (USP 4,827,637). The prior art, namely the patent to Gathright, discloses the invention substantially as claimed with the exception of the sweeping unit comprising an endless sweeping belt. The patent to Kahlbacher discloses a street cleaning machine comprising an endless belt (23) which may have brushes provided thereon (see figs 19 and 20) and which endless belt is further capable of movement about a vertical axis relative to an attached undercarriage. It would have been obvious to one of ordinary skill to have modified the sweeping means (13) of Gathright to be an endless belt brush as is it shown to be an art-recognized equivalent brushing means for a street surface. The use of a reversible drive means is generally known in the art and one of ordinary skill would deem it obvious to modify the device of Gathright as such depending on where it was desired to direct the dirt (toward or away from the vehicle). The degree of "automation" referred to in claim 12 could amount simply to a manual reversing switch that was actuated when the machine was reversed.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Drumm (USP 4,490,872). The patent to Gathright discloses the invention substantially as claimed with the exception of the bristles being in the form of a helical coil. The patent to Drumm discloses a similar brush wherein the bristles (26) are arranged in a helix. It would have been obvious to one of ordinary skill to have modified the brush of Gathright as such to direct the debris to one side of the machine.

Allowable Subject Matter

4. Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's primary arguments (at least with regard to claim 1) have been considered but are moot in view of the new ground(s) of rejection. Applicant should note that the 112-1st paragraph rejection has been dropped in light of applicant's comments.

Conclusion

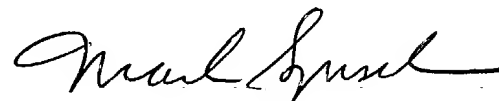
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (6-3:30), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MARK SPISICH
PRIMARY EXAMINER
GROUP 3400-

1700